

PATENT  
Customer No. 22,852  
Attorney Docket No. 03806.0394-02

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Francis BLANCHE *et al.* ) Prior Group Art Unit: 1652  
Application No.: To be assigned ) Prior Examiner: R. Hutson  
Filed: Concurrently herewith )  
For: NOVEL TOPOISOMERASE IV, )  
CORRESPONDING NUCLEOTIDE )  
SEQUENCES AND USES )  
THEREOF )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with this application.

Copies of the listed documents were previously submitted in prior Application No. 08/776,265, filed January 24, 1997, or were cited by the Examiner in prior Application No. 09/398,184, filed September 17, 1999, both of which are relied upon by Applicants for priority under 35 U.S.C. § 120. Accordingly, Applicants have not provided additional copies of these documents in this submission. 37 C.F.R. § 1.98(d). Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

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This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 25, 2003

By:

  
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## INFORMATION DISCLOSURE CITATION

Atty. Docket No.	03806.0394-02000	Appln. No.	To be assigned
Applicants	Francis BLANCHE et al.		
Filing Date	Concurrently Herewith	Prior Group:	1652

## U.S. PATENT DOCUMENTS

Examiner Initial*	Document Number	Issue Date	Name	Class	Sub Class	Filing Date If Appropriate
	6,001,631	12/14/99	Blanche et al.	435	233	

## FOREIGN PATENT DOCUMENTS

	Document Number	Publication Date	Country	Class	Sub Class	Translation Yes or No

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Bagdasarian, M. et al., "Specific-purpose plasmid cloning vectors. II. Broad host range, high copy number, RSF1010- derived vectors, and a host-vector system for gene cloning in <i>Pseudomonas</i> ," Gene 16:237-247 (1981).
	Ferrero et al., "Cloning and primary structure of <i>Staphylococcus aureus</i> DNA oisomerase IV a primary target of fluoroquinolones," Molecular Microbiology 13(4):641-653 (1994).
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## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Kato, J. et al., "New Topoisomerase Essential for Chromosome Segregation in <i>E. coli</i> ," <i>Cell</i> 63(2):393-404 (1990).
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Examiner	Date Considered
*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
Form PTO 1449	Patent and Trademark Office - U.S. Department of Commerce